

In re: JEAN RAOUL PETIT-LOUIS, Debtor.

CASE NO. 05-60335-BKC-AJC

This United States Trustee moved for reconsideration of the Court's order granting a waiver of credit counseling required by 11 U.S.C. §109(h)(1) for Mr. Petit-Louis. The Court granted the waiver previously because the approved credit counseling agencies in the Southern District of Florida were not reasonably able to provide adequate services to Mr. Petit-Louis, who only speaks and understands Creole.

The U.S. Trustee moved for reconsideration of the Court's waiver order on the basis that the Court lacks authority to permanently waive credit counseling under 11 U.S.C. §109(h)(3) and that Mr. Petit-Louis failed to comply with the requirements for obtaining a waiver under section 109(h)(3). The Court determined it had the authority to waive Mr. Petit-Louis' section 109(h)(1) counseling requirement and that Mr. Petit-Louis properly invoked the Court's jurisdiction to do so.

The Court determined counseling services in the Southern District of Florida were inadequate for Mr. Petit-Louis at the time he filed and waiver of the counseling requirement was justified on this basis. The Court acknowledged the Office of the U.S. Trustee has made efforts to improve access to credit counseling to non-English speaking debtors since Mr. Petit-Louis filed his petition and commended the U.S. Trustee for this effort. However, the fact that credit counseling may now be available in Creole and other languages, and the fact that the U.S. Trustee website is being updated almost daily is irrelevant to this Debtor. The available counseling was inadequate for Mr. Petit-Louis at the time that he sought to file his petition, and he was entitled to a waiver of counseling pursuant to section 109(h)(2) on this basis.